

DRAFT

AGREEMENT

This Agreement is entered into this _____ day of _____, 19__, by and between the County of [fill in name], a political subdivision of the State of California, and [if applicable] the City or Cities of [fill in name(s)] (hereinafter the "Permit Consolidation Zone Applicant" or "Zone Applicant"); and the [fill in names of all signatory environmental agencies] (hereinafter "Permitting Authorities"). All parties collectively are hereinafter referred to as "the Parties". The Parties hereto agree as follows:

WITNESETH:

WHEREAS, the California Environmental Protection Agency ("Cal/EPA") is administered by the Secretary for Environmental Protection ("Secretary"), wherein specified state agencies are established within Cal/EPA as having Permitting Authority for Environmental Permits;

WHEREAS, the Secretary has adopted regulations pursuant to California Public Resources Code section 71035 et seq. (hereinafter "the Statute") establishing the Permit Consolidation Zone Pilot Program (the "Pilot Program"); such regulations are codified at Title 27, Division 1, Chapter 4, Sections 10400

through 10419 of the California Code of Regulations (hereinafter "27 CCR section 10400 et seq." or "the Regulations");

WHEREAS, the Regulations establish the implementation framework for a Pilot Program intended to offer a step toward reforming California's environmental permitting system to make it more responsive, efficient, and timely, while preserving California's commitment to a safe and healthful environment;

WHEREAS, this Pilot Program will allow the creation of up to twenty Permit Consolidation Zones among California's cities and counties. Within these zones, the current system of individually issued Environmental Permits will be augmented with a voluntary option allowing facilities to substitute a Facility Compliance Plan in lieu of existing Environmental Permits for new or expanding facilities. The use of Facility Compliance Plans is anticipated to expedite environmental permitting in the designated Permit Consolidation Zones, and the Pilot Program will provide an opportunity to test the Facility Compliance Plan concept as a possible new model for environmental regulation;

WHEREAS, the Facility Compliance Plan represents a new regulatory approach and the Parties to this Agreement understand that the approach is a new permit concept separate and distinct from existing Environmental Permits. Chapter 5 of Division 34 of the Public Resources Code commencing with section 71035 establishes separate and distinct time frames for the processing of Facility

Compliance Plans. The Facility Compliance Plan must contain all the information required by Permitting Authorities for individual permits and, in addition, represents an opportunity for the compilation of a comprehensive, multimedia statement of environmental operations and management at a facility;

WHEREAS, within a Permit Consolidation Zone, as set forth in Public Resources Code section 71035 et seq., Environmental Permits of multiple Permitting Authorities are condensed into a single Facility Compliance Plan for each new or expanded facility that the Permitting Authorities approve through a centrally-coordinated and expedited review process;

WHEREAS, the Zone Applicant desires to be designated a Permit Consolidation Zone, and the Permitting Authorities in the geographical area comprising the Permit Consolidation Zone, desire to participate in the Permit Consolidation Zone;

WHEREAS, the Review Panel, composed of the Secretary for Environmental Protection and the Secretary for Trade and Commerce, is empowered to review applications for and designate Permit Consolidation Zones;

WHEREAS, this Agreement is a necessary element of the Permit Consolidation Zone application, and must be executed prior to approval of a Zone Application;

WHEREAS, the Parties to this Agreement are committed to working together in good faith to ensure the optimal success of this Pilot Program for the betterment of the Zone Applicant and the State of California.

NOW THEREFORE, IT IS UNDERSTOOD AND AGREED by the Zone Applicant and the Permitting Authorities that:

1. Definitions: Unless provided for otherwise, all terms and phrases used in this Agreement such as, without limitation, "Environmental Permit", "Facility Compliance Plan", "Permit Consolidation Zone", "Zone Applicant", "Zone Administrator", "Review Panel", "Plan Applicant" and "Permitting Authority" shall have the meaning ascribed to them in Public Resources Code section 71035 et seq. and 27 CCR section 10400 et seq. In the event that any term appears in both the Statute and the Regulations, the meaning ascribed to that term in the Statute shall control.

2. Term: The term of this Agreement commences upon designation of the Zone as a Permit Consolidation Zone by the Secretary of Cal/EPA and the Secretary for Trade and Commerce, and ends upon satisfaction of the requirements set forth in Public Resources Code section 71035.4(a)(1) and 27 CCR section 10407(b) or on January 1, 2002, pursuant to Public Resources Code section 71035.11, unless a later enacted statute extends such date.

3. Name: The designated Permit Consolidation Zone for this Agreement shall hereafter be referred to by the Parties as the “[fill in Zone Applicant parties] Permit Consolidation Zone” (hereinafter “[use initials] PCZ”).

4. Geographic Area: The geographic area of the [] PCZ shall be as shown on Exhibit “A”, attached hereto and incorporated herein by this reference.

5. Intent to be Bound: It is the express intention of the Parties to this Agreement to be bound by its terms and conditions.

6. Substituted Permits: Unless otherwise specified, Environmental Permits which are substituted by Facility Compliance Plans within the [] PCZ are listed in Exhibit “B” attached hereto and incorporated herein by this reference. Environmental Permits in Exhibit “B” which are followed by an asterisk may be substituted by a Facility Compliance Plan on a case by case basis, conditioned on the approval of the Permitting Authority or other agency with jurisdiction over the individual permit. Once designation as a PCZ has been achieved, the Parties acknowledge that amendment of the zone designation is governed by 27 CCR § 10407, and that the Parties will endeavor in good faith to amend this Agreement to expand, as practicable, the number, scope, and type of Environmental Permits to be substituted by Facility Compliance Plans.

7. General Obligations: The Parties further agree that, except as expressly provided in this Agreement, their obligations under this Agreement with

respect to an application for designation as a Permit Consolidation Zone as well as their respective responsibilities regarding processing and reviewing Facility Compliance Plan applications shall be governed by the Statute and Regulations, except as modified by this Agreement pursuant to Public Resources Code section 71035.6(e) (4) and 27 CCR section 10410 (i).

8. Public Participation: Pursuant to Public Resources Code section 71035.5(c) and 27 CCR 10404(a)(11), the Zone Applicant shall require a Plan Applicant to comply with the following requirements subsequent to the 60-day notice of intent period provided by 27 CCR 10410(a) and prior to submitting the proposed plan pursuant to 27 CCR 10410(f). The Plan Applicant shall submit a draft proposed Plan concurrently to the Zone Administrator, and to each Permitting Authority participating in the [] Zone from whom a determination of completeness and adequacy is required. The Zone Administrator shall solicit public comment on the draft proposed Plan and distribute all comments received to each Permitting Authority. The draft proposed Plan shall be available for public comment and Permitting Authority comment for a period not less than the longest period required by any individual Environmental Permit process that would otherwise be applicable. In response to public comments, the Plan Applicant shall modify the draft proposed Plan or otherwise respond to such comments prior to

submitting the proposed Plan to the Permitting Authorities for approval pursuant to 27 CCR 10410(a)(4)(B) and 27 CCR 10410(c). If a Permitting Authority provides the Plan Applicant a thorough description of the information that must be added to the draft proposed Plan to allow a determination of completeness and adequacy to be made, the Plan Applicant shall amend the draft proposed Plan to incorporate such information as required by the Permitting Authority prior to making any submittal pursuant to 27 CCR 10410(a)(4)(B) and 27 CCR 10410(c). If a Permitting Authority determines that additional public participation is required under the individual permit process that would otherwise be applicable, then the Zone Administrator shall solicit such additional public comment on the amended proposed plan and the Plan Applicant shall further amend the proposed Plan or otherwise respond to such comments prior to resubmitting the amended proposed Plan to the Permitting Authority for approval pursuant to 27 CCR 10410(f).

9. Appeals by Facility Compliance Plan ("Plan") Applicants: In the event a Plan Applicant seeks to appeal a determination of Plan incompleteness and/or inadequacy, the Permitting Authority(ies) with jurisdiction over said determination agree(s) to provide the Plan Applicant the appeal process identified in Exhibit "C", attached hereto and incorporated by this reference.

10. Counterparts: This Agreement may be executed and delivered in any number of counterparts, each of which when executed and delivered shall be deemed to be an original, but such counterparts shall together constitute one and the same document.

11. Full and Complete Agreement: This Agreement contains all of the covenants and agreements between and among the Parties with respect to the subject matter of this Agreement. No agreement, statement or promise not contained in this Agreement shall be valid or binding.

12. Signatories: Each undersigned representative of a Party to this Agreement certifies that he or she is fully authorized to enter into the terms and conditions of this Agreement, and to legally bind such Party to this Agreement.

13. Effective Date: Following execution by the Zone Administrator and at least one Permitting Authority, this Agreement is effective upon the date the Zone is designated as a Permit Consolidation Zone.

IN WITNESS THEREOF, the Parties have executed this Agreement, which shall be effective as set forth above.

[INSERT SIGNATURE BLOCKS AS APPROPRIATE.]